

EXHIBIT A

AGREED CONSTRUCTIONS

No.	Claim Term	Agreed Construction
1.	a vote '608 patent, '624 patent, '769 patent	a binary expression (to use or not use)
2.	specified number of votes '624 patent, '608 patent	predetermined number of binary expressions (to use or not to use)
3.	specified number '418 patent	predetermined number
4.	channel data request '614 patent	request for channel data
5.	participant[s] '418 patent	devices or mechanisms that communicate with other devices or mechanisms
6.	[communications] channel '418 patent	separate communications frequencies
7.	plurality of communications channels '418 patent	multiple separate communications frequencies
8.	channel selection criteria '418 patent	one or more standards on which a decision for selecting channels can be made
9.	[channel] performance [data] '418 patent	data that, at least, indicates performance
10.	performance of [a]/[the] [plurality of]/[first set of two or more] communications channels at a [first/second/third] time	value that indicates the quality with which every channel in the plurality [set] carries communications at the same first [second][third] instant of time

No.	Claim Term	Agreed Construction
	'418 patent	
11.	classifying	assigning a class to a channel based on the performance of the channel and one or more criteria
	'418 patent	
12.	default set of two or more communications channels	a complete original set of two or more communication channels
	'418 patent	
13.	indicates a measurement of performance	indicates the results of channel performance testing
	'418 patent	
14.	testing	Plain and ordinary meaning
	'500 patent	
15.	hop	the switch from one frequency to another frequency
	'418 patent	
16.	hop [or hopping] sequence	the order in which the communications network hops among the set of frequencies
	'418 patent	
17.	the hopping sequence	the order in which the communications network hops among the set of frequencies
	'624 patent	
18.	default hopping sequence	preset hopping sequence associated with a set of default channels
	'500 patent	
19.	clear	not in use by another system
	'500 patent	
20.	occupied	in use by another system
	'500 patent	
21.	comprise one of two values for each channel	No construction necessary

No.	Claim Term	Agreed Construction
	'500 patent	
22.	channel identification data specifies that the first communications channel is not to be used by the first participant for the first communication	channel identification data tells the [first participant/communication device] to not use the first communications channel for the [first/second] communication
	'614 patent	
23.	time value	Value indicating a specific time or number of time slots
	'520 patent	
24.	classification	class designation of a channel based on the performance of the channel and one or more criteria
	'500 patent	
25.	determining classification	assigning a class to a channel based on the performance of the channel and one or more criteria
	'418 patent	
26.	while	during the time that, or at the same time as
	'500 patent, '769 patent, '624 patent, '608 patent	At this stage of the claim construction process, Defendant's position is that the larger phrases rise or fall with the term "while."
27.	the set of good channels loaded in the good channel register	information, which is stored in the good channel register, that identifies the set of good channels
	'643 patent	
28.	channel data maintained	Data regarding one or more channels that is kept prior to, during, and after updating
	'614 patent	
29.	[specified number of] affirmative votes[s]	Predetermined number of binary expressions to use
	'418 patent	
30.	default channel register	An area of memory for storing a default set of two or more communications channels

No.	Claim Term	Agreed Construction
	'643 patent	
31.	good channel register '643 patent	an area of memory for storing a set of good communications channels

DISPUTED CONSTRUCTIONS

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
1.	selection kernel '643 patent	Realtek	A device or mechanism of a participant that selects communications channels to form the hopping sequence	Indefinite
2.	the hopping sequence '418 patent '624 patent '608 patent	Realtek	No construction necessary <i>Alternatively:</i> Order of hops	the order in which the communications network uses the set of frequencies (for '418 and '624) Indefinite (lack of antecedent basis) for '608
3.	[first/second/third] performance [criterion/criteria] '418 patent	Realtek	No construction necessary	Performance – ability of the channel to communicate First/second/third – p/o meaning, each is a different performance criterion
4.	a [first]/[second] time '418 patent	Realtek	No construction necessary	A [first]/[second] instant of time
5.	channel index '520 patent	Realtek	No construction necessary	Indefinite
6.	apply an index to a channel index of the identified communications channel '520 patent	Realtek	No construction necessary	Indefinite
7.	[instructions . . .] causing the [first/second] set of two or more	Realtek	No construction necessary	MPF term

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
	communications channels to be loaded into [a/the] [first] register '608 patent			Function: causing the [first/second] set of two or more communications channels to be loaded into [a/the] [first] register Structure: indefinite
8.	distinct [channels] '608 patent	Realtek	No construction necessary	Distinct – indefinite
9.	the number of distinct channels in the first set of two or more communications channels varies from the number of distinct channels in the second set of two or more communications channels '608 patent	Realtek	No construction necessary	Distinct – indefinite
10.	communications channel selector apparatus '624 patent	Realtek	No construction necessary	Indefinite
11.	rescanning [the default channels] '643 patent	Realtek	No construction necessary	Indefinite
12.	bad '769 patent	Realtek	No construction necessary <i>Alternatively:</i> Unacceptable	Indefinite <i>Alternatively:</i> Channel that has

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
				interference
13.	good '769 patent	Realtek	No construction necessary	Indefinite <i>Alternatively:</i> Channel that has no interference
14.	performing a channel hopping sequence in an order determined by the order of the default channels stored in the default channel register '643 patent	Realtek	No construction necessary	Hopping channels in a sequence determined by addressing successive slots in the default channel register
15.	Instructions that cause ... generating [first/second] channel identification data that identifies the [first/second] set of two or more communications channels '418 patent, claim 88		<p>Not a means plus function claim limitation (this is a <i>Beauregard</i> claim) and no construction is necessary.</p> <p>Alternatively, if the Court finds the terms is subject to 35 U.S.C. § 112(f):</p> <p>Function: generating [first/second] channel identification data that identifies the [first/second] set of two or more communication channels.</p> <p>Structure: a processor associated with a device/participant that executes the algorithm that (1) indicates which channels are included in the [first/second] set of two or</p>	<p>“instructions” is a nonce term, the term and corresponding phrase is written as a MPF clause.</p> <p>The analysis is the same as the “means for generating” term above.</p> <p>Function: generating first [second] channel identification data that identifies the first [second] set of two or more communications channels</p> <p>Structure: indefinite</p>

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
			more communications channels (2) selected based on performance data or equivalent	
16.	<p>[instructions ...] causing the [first/second] set of two or more communications channels to be loaded into [a/the][first] register</p> <p>'608 patent, claim 5</p>		<p>Not a means plus function claim limitation (this is a <i>Beauregard</i> claim) and no construction is necessary.</p> <p>Alternatively, Plaintiff proposes: "storing information that identifies the [first/second] set of separate communication frequencies in [a/the] [first] register."</p> <p>Alternatively, if the Court finds the term is subject to 35 U.S.C. § 112(f):</p> <p>Function: storing information that identifies the [first/second] set of two or more separate communication frequencies in [a/the] [first] register.</p> <p>Structure: a processor associated with a device/participant that executes the algorithm of (1) storing information that (2) identifies the set of separate communication frequencies in a register</p>	<p>MPF term</p> <p>Function: causing the [first/second] set of two or more communications channels to be loaded into [a/the] [first] register</p> <p>Structure: indefinite</p>
17.	instructions . . . cause[] loading a set of default channels into a		Not a means-plus-function claim limitation (this is a <i>Beauregard</i>	MPF term

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
	<p>default channel register; loading a set of good channels into a good channel register</p> <p>'643 patent, claims 1, 6, 11</p>		<p>claim) and no construction necessary.</p> <p>Alternatively, if the Court finds the term is subject to 35 U.S.C. § 112(f):</p> <p>Function: storing information that identifies the [default/good] set of two or more separate communication frequencies in a [default/good] channel register.</p> <p>Structure: a processor/selection kernel associated with a device/participant that executes the algorithm for storing the channel numbers that identifies the set of default/good channels in a default/good channel register</p>	<p>Function: managing the use of communications channels by causing the loading of a set of default channels into a default channel register and the loading of a set of good channels into a good channel register</p> <p>Structure: indefinite</p>
18.	<p>[instructions ...causes] select[ing], based upon performance of [a/the] plurality of communications channels ... communications channels</p> <p>'608 patent, claims 1, 3</p>		<p>Not a means plus function claim limitation (this is a <i>Beauregard</i> claim) and no construction is necessary.</p> <p>Alternatively, if the Court finds the terms is subject to 35 U.S.C. § 112(f):</p> <p>Function: Selecting two or more communications channels based upon the performance of the plurality of</p>	<p>MPF term</p> <p>Function: causing a processor to select, based upon performance of a plurality of communications channels at a first [second] time [that is later than the first time] a first [second] set of two or more communications channels</p> <p>Structure: indefinite</p>

No.	Claim Term	Party	Bandspeed's Proposed Construction	Realtek's Proposed Construction
			<p>communications channels</p> <p>Structure: a memory and a processor programmed to carry out an algorithm that (1) compares channel performance data to one or more criteria; and (2) chooses two or more channels that satisfy one or more criteria or equivalent</p>	